

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Tiffany Johnson,

Plaintiff,

v.

Case No. 10-15130

Postmaster General,

Honorable Sean F. Cox

Defendant.

/

ORDER DENYING
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff filed this action on December 27, 2010. On May 13, 2011, Defendant filed a responsive pleading – a Motion to Dismiss. (Docket Entry No. 10).

That same day, May 13, 2011, Plaintiff filed a motion requesting a default judgment. (Docket Entry No. 11). The Court finds that oral argument would not significantly aid the decisional process. *See Local Rule 7.1(f)(2), U.S. District Court, Eastern District of Michigan.* The Court therefore orders that the motion will be decided upon the briefs. For the reasons that follow, the Court shall DENY the motion.

“An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment.” 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk’s entry of a default is a prerequisite to obtaining a default judgment from the district court. *See e.g., Dahill Management, LLC v. Moore*, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a

clerks's entry of default" before seeking a default judgment from the district court.).

The docket reflects that Plaintiff did not obtain a clerk's entry of default as to Defendant. Moreover, Defendant has filed a responsive pleading.

Accordingly, IT IS ORDERED that Plaintiff's Motion for Default Judgment is DENIED.

IT IS SO ORDERED.

Dated: May 23, 2011

S/ Sean F. Cox

Sean F. Cox

U. S. District Court Judge

I hereby certify that on May 23, 2011, the foregoing document was served upon counsel of record by electronic means and upon Tiffany Johnson by First Class Mail at the address below:

Tiffany Johnson
22401 Haynes
Farmington Hills, MI 48336

Dated: May 23, 2011

S/ Jennifer Hernandez

Case Manager